

THIRTY-SEVENTH DAY

(Wednesday, March 15, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Absent—Excused

Hill Nelson

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Hill was granted leave of absence for today, on account of important business, on motion of Senator Aikin.

Senator Nelson was granted leave of absence for today, on account of important business, on motion of Senator Aikin.

Reports of Standing Committees

Senator Weinert submitted the following reports of the Committee on State Affairs.

Austin, Texas,
March 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 617, A bill to be entitled "An Act to amend Chapter 83, Senate Bill No. 179 of the General Laws passed by the Forty-first Legislature of the State of Texas at its Second Called Session, as amended by House Bill No. 291, Chapter 244 of the General Laws, passed by the Forty-fifth Legislature of Texas at its Regular Session by providing in Section 4 of said Act that credit for three (3) hours of military science as provided in an approved senior R. O. T. C. unit may be substituted for three (3) hours of government as specified in the Act; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
March 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 176 by Spears, A bill to be entitled "An Act to aid Conservation Districts, Navigation Districts, Conservation and Reclamation Districts, Flood Control Districts, and River Authorities, created by Acts of the Legislature of this State, in carrying out the powers, duties and functions conferred upon such Districts and River Authorities by the Legislature; granting and donating to such Districts and River Authorities for a period of Twenty years, Fifty (50) per cent of all the State ad valorem taxes for general revenue purposes upon the property and from persons in counties comprising, in whole or in part, such Districts or River Authorities, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended by Committee Amendments Numbers One through Four and be printed as amended.

WEINERT, Chairman.

Austin, Texas,
March 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 830 by Davis of Jasper, A bill to be entitled "An Act to validate, ratify, approve, confirm, and declare enforceable all levies and assessments of ad valorem taxes heretofore made by certain county line independent school districts, partly situated in three (3) counties, the supervision of said school being located in counties having a population not less than seventeen thousand (17,000) nor more than seventeen thousand five hundred (17,500), as shown by the last preceding Federal Census, not in excess of a limit now provided by law. Such levies validated are the same as are now on record in the Auditor's Division of the State Department of Education; etc.; providing this Act shall not affect suits pending at the time same becomes effective; and further providing that this Act shall not validate any valuation placed upon property by any Board of Equalization or any Tax Assessor where such property has been valued in excess of its reasonable cash market value, etc.; repealing all laws and parts of laws in conflict with this Act and especially repealing House Bill No. 209, Acts of the Forty-sixth Legislature; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
March 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 745 by Worley, A bill to be entitled "An Act amending Article 7047 (6), Revised Civil Statutes of Texas of 1925, as enacted by Acts, First Called Session, 1897, Page 49; as amended by Acts, 1931, Forty-second Legislature, Page 355, Chapter 212, Section 1; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
March 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 80 by Bridgers et al., A bill to be entitled "An Act to provide for and create a City-County Health Unit in any county containing an incorporated city having a population of not less than ninety thousand (90,000) inhabitants nor more than one hundred and twenty thousand (120,000) inhabitants according to the last preceding Federal Census, and to provide that the Commissioners' Court of said county and the City Council of said city may co-operate in forming a City-County Health Unit and combine the Health Units of each political subdivision for such purpose and appropriate funds to the combined Health Unit in such proportion as may be agreed to between the Commissioners' Court and the City Council; etc.; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
March 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 542 by Felty et al, A bill to be entitled "An Act amending House Bill No. 726, Acts of the Forty-fifth Legislature, approved May 5, 1937, and creating San Antonio River Canal and Conservancy District under authority of Section 59 of Article 16 of the Constitution of the State of Texas to be a governmental agency, municipality, body politic and corporate; defining certain words and phrases used therein; defining the boundaries of said Districts and ways of extending same; declaring creation of this District essential to accomplishment of purposes of Section 59 of Article 16, Constitution of the State of Texas; providing the said District shall not levy nor collect taxes nor pledge credit of the State; providing the powers of said District;

vesting in said District such title and right of control as the State has in bed and banks of San Antonio River; granting said District powers for government as contained in Chapter 25, Acts 1925 of Thirty-ninth Legislature and amendments thereto; etc.; providing for enforcement of penalties; providing for duties of State Board of Water Engineers and Reclamation Engineers; providing for Board of nine (9) Directors, etc.; providing for payment of all debts out of income; providing for issuance of bonds not in excess of Five Million Dollars (\$5,000,000) and prescribing method and procedure relating to issue and sale of bonds; authorizing purchase by District of its bonds; prohibiting the mortgaging of any property belonging to the District; providing that all bonds of the District shall be exempt from taxation except inheritance taxes; providing for a saving clause, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
March 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 285 by Pace, A bill to be entitled "An Act to amend Section 1 of Chapter 210, House Bill No. 253, Acts of the Regular Session of the Forty-first Legislature, 1929; as amended by Section 1, Chapter 142, House Bill No. 4, Acts of the Regular Session of the Forty-fourth Legislature, 1935; as amended by Section 1, Chapter 167, House Bill No. 87, Acts of the Regular Session of the Forty-fifth Legislature, 1937; empowering the State Board of Education to adopt by a vote of six of its members a multiple list of textbooks in German, Czech, and French languages, for use in public high schools; and by a vote of six of its members to adopt, for use in the public high schools, a multiple list of textbooks in the English language in each of the subjects of commercial arithmetic, bookkeeping, and typewriting; repealing all laws and parts of laws in con-

flict therewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
March 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 99 by Metcalfe, A bill to be entitled "An Act amending Senate Bill 355, same being Chapter 338 of the Acts of the Regular Session of the Forty-fourth Legislature as amended by Senate Bill 309, the same being Chapter 341 of the Acts of the Forty-fifth Legislature, creating a Central Colorado River Authority by adding a new section, giving the directors of said Authority the right to enter into contracts with the Governing Boards of other governmental agencies for the purpose of supervising construction and other operations of said agencies, limiting charges, liabilities and damages in connection therewith, providing for the donation and granting of the State of Texas to the District of one-half of all annual State ad valorem taxes collected in Coleman County for a period of twenty years, beginning September 1, 1939, describing the manner and method of collecting said taxes and the method of payment to the District; providing that said taxes may be used for the payment and retirement of interest and sinking fund upon bonds issued for the development of the District; providing that if any provisions of this Act shall be held invalid, the validity of the other provisions thereof shall not be affected; providing that this Act may be cited as an amendment to the Central Colorado River Authority Act, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
March 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 340 by Martin, A bill to be entitled "An Act granting permission to I. H. Mitchell and wife, Mrs. I. H. Mitchell, to bring suit against the State of Texas and the Department of Public Safety of the State of Texas etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed."

WEINERT, Chairman.

Austin, Texas,
March 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 18 by Aikin, Granting permission to John Bagwell and wife to bring suit against the State of Texas and the State Highway Commission of Texas,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
March 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 57 by Pope, A bill to be entitled "An Act granting permission to Victor Alexander Surber to bring suit against the State of Texas, and/or Highway Department, etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Austin, Texas,
March 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 398 by Weinert, A bill to be entitled "An Act providing that

all independent school districts in this State, whether created by general or special law or laws, having a tax rate of less than One (\$1.00) Dollar upon each One Hundred (\$100.00) Dollar taxable valuation of property, subject to taxation in such district, may be authorized by a majority vote of the qualified taxpaying voters of said district, to levy and collect an annual tax not to exceed in any one year One (\$1.00) Dollar on the One Hundred (\$100.00) Dollars valuation of taxable property in said district; repealing all laws and parts of laws in conflict herewith, both general and special, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Senator Pace submitted the following report of the Committee on Mining, Irrigation and Drainage:

Austin, Texas,
March 6, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 49, A bill to be entitled "An Act amending Article 7047b of the Revised Civil Statutes of 1925, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Senator Burns submitted the following report of the Committee on State Penitentiaries:

Austin, Texas,
March 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

H. B. No. 310, A bill to be entitled "An Act amending Senate Bill No. 170, Chapter 253, Acts of the Forty-second Legislature, Regular Session, Pages 420 and 421, being Article 6203e of the Revised Civil Statutes of the State of Texas of 1925; pro-

viding for the establishment of the State Prison Psychopathic Hospital as a part of the Prison System of the State of Texas; and providing who may be committed thereto; providing for proceedings for commitment and admission of certain dangerous insane inmates of State Hospitals; providing for the appointment of a Medical Director and other employees and for the promulgation of rules and regulations by the Board of Prison Managers; providing a saving clause; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BURNS, Chairman.

Senator Sulak submitted the following report of the Committee on Agriculture:

Austin, Texas,
March 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. B. No. 20, A bill to be entitled "An Act to be known as the "State Soil Conservation Act," reciting the legislative determination and declaration of policy; describing the consequence of soil erosion and the depletion of the fertility of the soil; reciting appropriate corrective methods; defining certain words and phrases used in this Act; establishing the State Soil Conservation Board; establishing five (5) State Districts from which members of the State Soil Conservation Board are to be elected; defining the powers and duties of said members acting through and for said State Soil Conservation Board; providing for the establishing of County Soil Conservation Advisory Committees; defining the duties and compensation of the members thereof; providing for the compensation of members of the State Soil Conservation Board; providing for the method by which vacancies on the State Soil Conservation Board shall be filled; providing for the creation of Soil Conservation Districts; providing for the manner of selection of the Supervisors of said Soil Conservation Districts; defining the powers, duties, and compensation of said Supervisors acting for and through

such Soil Conservation District; providing for the removal of Supervisors; providing that vacancies shall be filled by election of Supervisors; providing for a Board of Adjustment of three members and fixing the method of appointment, the term of office, the duties and compensation of Board of Adjustment members; providing for removal of officers under certain conditions and the filling of vacancies; providing that the State Treasurer shall act as the Treasurer for the State for the State Soil Conservation Board; prescribing the duties of the State Treasurer with reference to funds of the Board; providing for a biennial audit and report to be made to the Governor of the State by Soil Conservation Districts; providing for an appropriation to be made for the use of the State Board; providing the proper method of enforcement of such programs and regulations as may be promulgated by the several Districts described herein; providing method by which Soil Conservation Districts may be discontinued; repealing Senate Bill No. 227, Regular Session, Forty-fourth Legislature, Page 504; providing that House Bill No. 13, Acts of the Forty-second Legislature, Regular Session, and House Bill No. 978, Regular Session, Forty-fourth Legislature, and Senate Bill No. 386, Acts of the Forty-fifth Legislature, Regular Session, shall be specifically preserved; providing that this Act shall be supplementary and complementary to all present laws, except those specifically repealed by this Act; providing this Act shall not impair nor impinge upon the rights, powers, and functions of certain Districts; providing separability clause, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be not printed.

SULAK, Chairman.

Senator Moore, by unanimous consent, submitted at this time the following report of the Committee on Game and Fish:

Austin, Texas,
March 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 739, A bill to be entitled "An Act to repeal Chapter 47, House Bill 110, Acts First Called Session of the Forty-third Legislature, pertaining to the use of seines and nets in Red River County; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
March 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 339, A bill to be entitled "An Act providing for a closed season on deer and wild turkey in Bastrop County for a period of five (5) years; providing a suitable penalty for violation of this Act; repealing all conflicting laws; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 517, A bill to be entitled "An Act amending Senate Bill No. 514, Chapter 101, Page 140 of the Special Laws of the Regular Session of the Forty-third Legislature, 1933, eliminating certain counties from the provisions of said Act; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
March 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 648, A bill to be entitled "An Act regarding the trapping, taking, and killing of wild fox in Bell County, for a period of two (2) years; providing conditions and exceptions; providing a penalty for the violation of this Act; repealing laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 532, A bill to be entitled "An Act repealing Chapter 223 of the Acts of 1937, Forty-fifth Legislature, Regular Session; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Senate Concurrent Resolution 20

Senator Stone of Washington offered the following resolution:

Whereas, on March 16th, 1939, the appropriation for the Texas Planning Board for the current biennium will be exhausted, and

Whereas, It is important that the records and data collected by said Planning Board be kept intact and at least a skeleton organization be maintained pending final disposition of the Planning Board, and its work, and

Whereas, The Texas Agricultural and Mechanical College, through its President and Board of Directors has proposed to furnish quarters, technical, stenographic and clerical help and to pay the salary of the Director for the balance of this fiscal year, said Director to be at the service of A. & M. College and in any other capacity of research or instruction during the period; therefore, be it

Resolved by the Senate of the Forty-sixth Legislature, the House concurring, That the members of the

State Planning Board and the Director thereof be instructed to transfer all records of said Board to the quarters tendered by A. & M. College at College Station, and that the offer of the officials of such College to carry on the work of said Board as heretofore provided pending further action be and is hereby accepted.

STONE
of Washington,
SMALL,
REDDITT,
BURNS.

The resolution was read.

Relative to Minority Report on Senate Joint Resolution 1

Senator Metcalfe called for the consideration at this time of the motion to adopt the minority report on S. J. R. No. 1 in lieu of the majority report on the resolution, which motion was duly made and spread upon the Journal on February 28, 1939.

Question—Shall the motion to adopt the minority in lieu of the majority report prevail?

Yeas and nays were demanded, and the motion was lost by the following vote (not receiving the necessary vote required by amended Senate rule 99b):

Yeas—14

Aikin	Moffett
Burns	Roberts
Collie	Spears
Graves	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Metcalfe	Winfield

Nays—12

Beck	Pace
Cotten	Redditt
Head	Small
Isbell	Sulak
Martin	Van Zandt
Moore	Weinert

Absent

Brownlee	Nelson
Hardin	Shivers

Absent—Excused

Hill

Report of Conference Committee on Senate Bill 175

Senator Spears submitted at this time the following report of the Conference Committee on S. B. No. 175:

Austin, Texas,
March 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House.

Sirs: We, your Conference Committee, to whom was referred Senate Bill Number 175, appointed to adjust the differences between the two Houses on Senate Bill Number 175, beg to recommend that said bill be passed in the form and text as submitted herewith.

Respectfully submitted,

SPEARS,
NELSON,
GRAVES,
VAN ZANDT,
MARTIN,

On the part of the Senate.

DICKISON,
DWYER,
STINSON,
HOWARD,
JOHNSON

of Tarrant,

On the part of the House.

S. B. No. 175.

"A BILL TO BE ENTITLED

An Act authorizing independent school districts and cities which have assumed the control of public schools situated therein to build or purchase buildings and grounds located within or without the district or city, for the purpose of constructing gymnasias, stadia, or other recreational facilities, and to mortgage and encumber the same, and the income thereof, and to evidence the obligation therefor by the issuance of bonds to secure the payment of funds to purchase or construct or to purchase and construct the same; providing that the purchaser shall have a franchise to operate same in case of foreclosure; providing that no such obligation shall ever be a debt of any such school district or city, but solely a charge upon the property so encumbered; providing that no election for the issuance of such

bonds shall be necessary, providing that the governing body of any such school district or city may in its discretion and as additional security for such bonds, encumber and pledge other income and revenues accruing to the athletic fund; providing that such project shall be deemed self-liquidating in character; providing that the cost of maintaining and operating the project shall be a first charge against the revenues of the project; providing that such bonds shall be payable from the net revenues of the project, together with all future extensions or additions thereto, or replacements thereof; providing for the payment of said bonds; providing that the holder of said bonds shall never have the right to demand payment thereof out of any funds raised or to be raised by taxation; providing that said bonds shall be approved by the Attorney General and registered by the State Comptroller; providing that no bonds authorized to be issued or executed after the expiration of two (2) years from the effective date of this Act; providing that no land upon which is situated school improvements shall be subject to the indebtedness created hereunder; validating acts heretofore performed by school districts; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

"SECTION 1. All independent school districts, and all cities which have assumed the control of the public schools situated therein, shall have power to build or purchase buildings and grounds located within or without the district or city, for the purpose of constructing gymnasias, stadia, or other recreational facilities, and to mortgage and encumber the same, and the income, tolls, fees, rents, and other revenues therefrom, and everything pertaining thereto, acquired or to be acquired, and to evidence the obligation therefor by the issuance of bonds to secure the payment of funds to purchase or to construct, or to purchase and construct the same, including the purchase of equipment and appliances for use therein, and as additional security therefor by the terms of such encumbrance, may grant to the purchaser under sale or foreclosure

thereof a franchise to operate said properties so purchased for a term of not more than ten (10) years after such purchase. No such obligation shall ever be a debt of any such school district or city, but solely a charge upon the property so encumbered, and shall never be reckoned in determining the power of any such school district or city, to issue bonds for any other purpose authorized by law; provided that no election for the issuance of the bonds herein authorized shall be necessary, but the same may be authorized by a majority vote of the board of trustees of such independent school district or the governing body of such city.

"SEC. 2. Projects financed in accordance with this law are hereby declared to be self-liquidating in character and supported by charges other than taxation.

"SEC. 3. Such bonds shall be payable from the net revenues of the project together with all future extensions or additions thereto or replacements thereof, and the governing body of such school district, or city, shall provide in the ordinance or resolution authorizing the bonds, that the cost of maintaining and operating the project shall be a first charge against such revenue, the maintenance and operating expenses to include only such items as are set forth in said ordinance or resolution. After the payment of such maintenance and operating expenses a sufficient amount of the revenues remaining shall be set aside in a fund known as the Gymnasium or Stadium Bond Interest and Redemption Fund to provide for the payment of principal of and interest upon such bonds plus a reasonable amount as a margin for safety. Such fund shall be used for no other purpose than to pay the principal of and interest on said bonds. Any revenues remaining after making the payments hereinabove provided for may be used for any lawful purpose.

"SEC. 4. Every bond issued or executed under this law shall contain the following clause:

"The holder hereof shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation."

"Such bonds shall be presented to the Attorney General for his approval as is provided for the approval of other school bonds and in such cases the bonds shall be registered by the

State Comptroller as in the case of other school bonds.

"SEC. 5. No bonds authorized to be issued or executed under this Act, shall be issued or executed after the expiration of two (2) years from the effective date of this Act.

"SEC. 6. No land upon which is situated any of the school improvements other than as described herein shall ever be subject to the payment of any indebtedness created hereunder, nor shall any encumbrance ever be executed thereon.

"SEC. 7. That all acts performed, proceedings had and contracts executed by school districts to which this Act is applicable, and by the governing bodies thereof, which acts, proceedings and contracts were unauthorized by law at the time of their performance or execution, but which would have been authorized under the terms of this Act had the same been in force at such time, are hereby validated, ratified, approved and confirmed in all respects as fully as though they had been duly and legally performed, had and executed in the first instance.

"SEC. 8. The fact that many school districts are in need of the facilities hereunder described and that the taxing power of such school districts is limited and will not permit the levying of a tax to purchase same, creates an emergency and an imperative public necessity demanding the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Question — Shall the report be adopted?

The report was adopted by the following vote:

Yeas—26

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Cotten	Small
Graves	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Nays—1

Collie

Absent

Hardin
Nelson

Shivers

Absent—Excused

Hill

Motion to Adopt Minority Report on Senate Bill 186 Withdrawn

Senator Sulak called for the consideration at this time of the motion to adopt the minority report on S. B. No. 186 in lieu of the majority report on the bill; which motion was duly made by him and spread upon the Journal on March 1, 1939.

Question — Shall the motion to adopt the minority report in lieu of the majority report prevail?

Senator Brownlee presented at this time the following communication, which was read to the Senate, and, on motion of Senator Brownlee, was ordered printed in the Journal:

LOWER COLORADO RIVER AUTHORITY

Austin, Texas,
March 14, 1939.

Hon. Coke R. Stevenson, President of
the Senate,

and

Hon. R. Emmett Morse, Speaker of
the House, Capitol, Austin, Texas.

Gentlemen:

Herewith is a resolution of the Board of Directors of Lower Colorado River Authority which is being presented to you in accordance with the terms of the resolution.

Very truly yours,

S. RAYMOND BROOKS,
Secretary.

Resolution

Whereas. There has been considerable discussion and some criticism in the public press and at legislative hearings of the policy of the Lower Colorado River Authority in respect to the construction and operation of its dams and other facilities for controlling floods on the Colorado River, and

Whereas, It is deemed advisable and expedient by the Board of Directors of the Lower Colorado River Authority that it go on record declaring its policy pertaining to matters of flood control in connection with its present facilities and especially so in connection with the proposal now pending to increase the height of the present Marshall Ford Dam by an additional 78 feet; now, therefore:

Be it Resolved by the Board of Directors of Lower Colorado River Authority, That the following be made a matter of record in the Minutes of the Board, and copies be sent to the President of the Senate and to the Speaker of the House of Representatives, viz.,

First. The Authority has installed approximately fifty rain gauges in the upper watershed of the Colorado River and its tributaries, in addition to thirty-five such gauges now in existence in said area under direction of the United States Weather Bureau, and has made arrangements for daily reading of such gauges, and reports, direct to its office so that it will be fully informed of any storm or rainfall in the area capable of producing flood conditions on the river above as well as below its dams. In addition thereto the Authority has entered into a contract with the Board of Water Engineers of the State of Texas for the installation and operation, in connection with the United States Geological Survey, of twelve river gauges, six of which will be equipped and connected to a system of shortwave broadcasting which will automatically record the stages of the river in the Authority's offices.

Second. The Authority is endeavoring to secure additional funds sufficient to complete Marshall Ford Dam to the height recommended by the Bureau of Reclamation. The Bureau designed the high dam in such manner that 804,000 acre-feet of its capacity would be dedicated exclusively for flood storage and so that there would be an additional super flood storage in excess of 300,000 acre-feet, which plans and designs have heretofore been approved by the Authority, and the Authority reiterates its approval thereof. And the Authority here and now declares that if and when the high Marshall Ford Dam is completed to the proposed height above the present plans that it will dedicate and does hereby dedicate 804,000 acre-feet of storage

in addition to the super storage exclusively for flood storage.

Third. The Authority reiterates its policy of operating all of its facilities in such manner as to provide, in addition to the 804,000 acre-feet, the maximum of flood control possible, consistent with its financial obligations, and is confident that its present facilities, without the high dam at Marshall Ford, operated as it proposes to operate them, will control at least eight out of ten floods of the intensity of any of the floods of record originating above its dams, and that with the high dam at Marshall Ford its operations will result in controlling all floods of record originating above its dams.

Be it further Resolved, That the officers and employees of the Authority be, and they hereby are directed to take all steps and do all things necessary to carry out fully the terms and intent of this resolution.

The foregoing is a true and correct copy of a resolution unanimously adopted by the Board of Directors of Lower Colorado River Authority at its meeting on the 14th day of March, A. D. 1939.

Witness my hand and seal of office this the 14th day of March, A. D. 1939.

S. RAYMOND BROOKS,
Secretary.

Senator Sulak then submitted the following statement in writing:

"Mr. President: The resolution adopted by the Lower Colorado River Authority which was just read, is acceptable to the author of Senate Bill No. 186. It is accepted in good faith, binding the Authority to all its proposals and declarations contained therein. Accepting this declaration in good faith, I now ask to withdraw the motion to print on minority report. I want it distinctly understood that should the Authority fail to carry out any of the proposals or declarations contained therein, or should the Marshall Ford Dam be not constructed to the additional height of 78 feet, I will again introduce a bill providing for flood control for the people of the Lower Colorado River Valley."

The President stated that if there was no objection to the request of Senator Sulak to withdraw the motion, the request would be granted.

There was no objection offered, and the motion was withdrawn from further consideration by the Senate.

House Bill 407 Set as Special Order

On motion of Senator Small, and by unanimous consent, H. B. No. 407 was set as a special order for tomorrow immediately after conclusion of the morning call on that day.

House Bill 92 on Passage to Third Reading

(Unfinished Business)

The President laid before the Senate, as the unfinished business, on its passage to third reading (the bill having been read second time on yesterday):

H. B. No. 92, A bill to be entitled "An Act amending Article 2618 of the Revised Civil Statutes of 1925, changing the status of John Tarleton Agricultural College from a Junior College to a standard four-year college, and providing for a course of study for said College; and amending Article 2620 of the Revised Civil Statutes of 1925, changing the name of North Texas Junior Agricultural, Mechanical and Industrial College at Arlington to the name of North Texas Agricultural College, and placing said school under the Board of Directors of the Agricultural and Mechanical College of Texas; and amending Article 2621 of the Revised Civil Statutes of 1925, changing the status of said junior college to a standard four-year college, and providing for a course of study for the same; and expressly repealing Articles 2622 and 2623 of the Revised Civil Statutes of 1925, and declaring an emergency."

With the following amendment by Senator Weinert pending:

Amend H. B. No. 92 by striking out the word "shall" where the same appears in line 40 of the printed bill and inserting in lieu thereof "may, if necessary funds are available".

Question—Shall the amendment be adopted?

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—11

Beck	Redditt
Isbell	Roberts
Lanning	Shivers
Metcalf	Stone
Moffett	of Washington
Pace	Weinert

Nays—15

Aikin	Kelley
Brownlee	Martin
Burns	Moore
Collie	Stone
Cotten	of Galveston
Graves	Sulak
Hardin	Van Zandt
Head	Winfield

Absent

Lemens Small

Absent—Excused

Nelson

Paired

Senator S p e a r s (present), who would vote nay, with Senator Hill, (absent), who would vote yea.

Senator Roberts offered the following amendment to the bill:

Amend H. B. No. 92 by changing the words "shall" to "may" where said word appears on page 2 in lines 17 and 40.

The amendment was adopted.

Senator Roberts offered the following amendment to the bill:

Amend H. B. No. 92 by adding a new section to be known as Section 3a, to read as follows:

"The time when such courses of study may be offered shall be at the discretion of the Board of Directors of the Agricultural and Mechanical College of Texas."

Senator Head moved to table the amendment.

Question—Shall the motion to table prevail?

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

S. B. No. 69, A bill to be entitled "An Act withdrawing from appearing party review in Court of Civil Appeals by means of writ of error; and declaring an emergency."

S. B. No. 215, A bill to be entitled "An Act assenting to the provisions of the Act of Congress entitled 'An Act to provide that the United States shall aid the States in wildlife-restoration projects and for other purposes,' approved September 2, 1937, and declaring an emergency."

S. B. No. 270, A bill to be entitled "An Act to reorganize the Special Ninth District Court of Montgomery County, Polk County, and San Jacinto County, Texas, by constituting it the Special Ninth District Court of Montgomery County, Polk County, San Jacinto County and Trinity County, prescribing its jurisdiction, limiting its existence, fixing its terms; to provide that the Judge of said Special Ninth District Court as now constituted shall continue to serve in the Special Ninth District Court after the same has been reorganized by this Act until the election and qualification of his successor; to limit the jurisdiction in Trinity County of such Special Ninth District Court; to provide that the District Clerks in the respective counties composing the Special Ninth District Court as herein reorganized, shall serve as the District Clerks of the Special Ninth District Court of Montgomery County, Polk County, San Jacinto County and Trinity County, in their respective counties; to provide for the transfer of civil cases from the Twelfth Judicial District Court to said Special Ninth District Court and from said Special Ninth District Court to the Court of the Twelfth Judicial District in Trinity County; and to make all writs and processes issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of Court in the several counties in said District, as herein fixed, and to validate the summoning of grand and petit jurors and juries; and providing for the continuation of Court in session in said District

when this Act takes effect, to the end of its term; repealing all laws or parts of laws in conflict herewith; providing that if any section of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining sections or provision, and declaring an emergency."

H. C. R. No. 61, Suspending Joint Rules of the House and Senate for the purpose of further consideration of H. J. R. No. 16.

The House wishes to inform the Senate that the House has adopted the Conference Committee Report on Senate Bill No. 175 by a vote of 124 ayes and 1 no.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Reports of Standing Committees

Senator Hardin, by unanimous consent, submitted at this time the following report of the Committee on Counties and County Boundaries:

Austin, Texas,
March 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties, to whom was referred

S. B. No. 367, A bill to be entitled "An Act authorizing the Commissioners' Court in any county having a population of not less than 10,399 and not more than 10,499 according to the last preceding Federal Census, to allow each county commissioner certain traveling expenses while traveling on official business, and declaring an emergency,"

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDIN, Chairman.

Senator Stone of Washington, by unanimous consent, submitted at this time the following report of the Committee on Public Health:

Austin, Texas,
March 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 317, A bill to be entitled "An Act authorizing the Commissioners' Courts in counties having a population of not less than 12,190 inhabitants and not more than 12,195 inhabitants, according to the last preceding Federal Census, to levy a direct tax of not more than Ten (10¢) Cents on the One Hundred Dollars assessed valuation for health purposes, for the purpose of building, equipping and maintaining a hospital; providing that such money so collected be spent only for the benefit of the residents of such counties; and declaring an emergency,"

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STONE of Washington,
Chairman.

Senator Pace, by unanimous consent, submitted at this time the following report of the Committee on Mining, Irrigation and Drainage:

Austin, Texas,
March 14, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 329, A bill to be entitled "An Act to amend Chapter 427, Acts of the First Called Session of the Forty-fourth Legislature of the State of Texas, being the Act creating the Nueces River Conservation and Reclamation District, so as to provide that the whole of Webb County shall be removed from and excluded from the provisions thereof; to create the Webb County Conservation and Reclamation District under the authority of Section 59 of Article 16, of the Constitution of Texas; defining the powers and duties of said District,"

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Senator Van Zandt, by unanimous consent, submitted at this time the following reports of the Committee on Civil Jurisprudence:

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

Senate Bill 269 by Stone of Galveston,

Have had same under consideration, and beg leave to report back to the Senate that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

Senate Bill 336 by Lanning,

Have had same under consideration, and beg leave to report back to the Senate that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

House Bill 158 by Smith of Frio,

Have had same under consideration, and beg leave to report back to the Senate that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

House Bill 288 by Winfree,

Have had same under consideration, and beg leave to report back to the Senate that it do not pass.

VAN ZANDT, Chairman.

Senator Hardin, by unanimous consent, submitted at this time the following reports of the Committee on Counties and County Boundaries:

Austin, Texas,
March 13, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 527, A bill to be entitled

"An Act to provide for a more adequate and equitable salary of county superintendents of public instruction in all counties of the State of Texas having a population of not less than one hundred and ninety-seven thousand (197,000) and not more than one hundred and ninety-eight thousand (198,000) and all counties with a population of not less than thirty-two thousand, four hundred (32,400) and not more than thirty-two thousand, eight hundred (32,800) according to the last preceding Federal Census; etc., etc.; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HARDIN, Chairman.

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevnson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 825, A bill to be entitled "An Act validating any orders and proceedings directed toward the issuance of bonds for Justice Precinct No. 5 of Falls County; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

House Concurrent Resolution 61

The following resolution, received from the House today, was laid before the Senate:

H. C. R. 61, Suspending Joint Rules to allow consideration of H. J. R. 16 by House on Wednesday and Thursday of this week.

The resolution was read; and on motion of Senator Aikin, and by unanimous consent, it was considered at this time and was adopted.

Senate Resolution 41

Senator Winfield, by unanimous consent, offered at this time the following resolution:

Whereas, The Hon. C. B. Hudspeth, of the Devil's River country is a visitor in the Capitol, and

Whereas, His wife is also a visitor, and

Whereas, The Hon. C. B. Hudspeth served long and well in this Body, now, therefore, be it

Resolved, That the courtesy of the floor of the Senate be extended to the Hon. C. B. Hudspeth and his wife and they be introduced to this Body.

WINFIELD,
METCALFE.

The resolution was read; and, by unanimous consent, it was considered at this time and was adopted.

Accordingly, Hon. C. B. Hudspeth and Mrs. Hudspeth were extended the courtesies of the floor of the Senate; and Senator Hudspeth was escorted to the President's stand and presented to the Senate by Senator Winfield.

Senator Hudspeth then addressed the Senate briefly.

Bills and Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 379, "An Act amending Section 1 of House Bill No. 1002, Chapter 363 of the Forty-fifth Legislature, Regular Session, 1937, relating to compensation of County Commissioners in certain counties, repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 69, "An Act withdrawing from appearing party review in Court of Civil Appeals by means of writ of error; and declaring an emergency."

S. B. No. 270, "An Act to reorganize the Special Ninth District Court of Montgomery County, Polk County, and San Jacinto County, Texas; by constituting it the Special Ninth District Court of Montgomery County, Polk County, San Jacinto County and Trinity County, prescribing its jurisdiction, etc., and declaring an emergency."

S. B. No. 215, "An Act assenting to the provisions of the Act of Congress entitled 'An Act to provide that the United States shall aid the States in wildlife-restoration projects and for other purposes,' approved September 2, 1937, and declaring an emergency."

H. C. R. No. 59, Authorizing the Enrolling Clerk to correct H. B. No. 379.

H. C. R. No. 60, Authorizing the Enrolling Clerk to amend the caption of H. C. R. No. 59.

H. C. R. No. 61, Suspending Joint Rules to allow continued consideration by the House of House Joint Resolution No. 16.

Recess

On motion of Senator Collie, the Senate, at 12:05 o'clock p. m., took recess to 10:00 o'clock a. m. tomorrow.

APPENDIX

Reports of Committee on Enrolled Bills

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 215 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 69 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 270 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

THIRTY-SEVENTH DAY

(Continued)

(Thursday, March 16, 1939)

The Senate met at 10:00 o'clock a. m. and was called to order by the President.

House Bill 92 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. B. No. 92, changing the statuses of John Tarleton Agricultural College and North Texas Agricultural College from junior colleges to standard four-year colleges, on its passage to third reading, with amendment by Senator Roberts, and motion by Senator Head to table the amendment, pending.

Question—Shall the motion to table prevail ?

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16

Brownlee	Lemens
Burns	Martin
Collie	Moore
Cotten	Nelson
Graves	Spears
Hardin	Sulak
Head	Van Zandt
Kelley	Winfield

Nays—15

Aikin	Roberts
Beck	Shivers
Hill	Small
Isbell	Stone
Lanning	of Galveston
Metcalf	Stone
Moffett	of Washington
Pace	Weinert
Redditt	

Senator Head offered the following amendment to the bill:

Amend H. B. 92 by adding a new section following Section 3 to be known as Section 3A to read as follows:

It is hereby declared the intent of the Legislature to raise the rank of the North Texas Agricultural College at Arlington and the John Tarleton Agricultural College at Stephenville from junior colleges offering two years of standard college work to the rank of four year colleges offer-